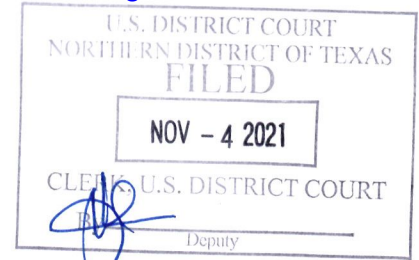


COMPLAINT UNDER 42 USC §1983, CIVIL RIGHTS ACT-TDCJ-ID (Rev. 2/08)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

Please Choose Division



RAFI WALI MCCALL #75238
Plaintiff's Name and ID Number

Place of Confinement

1-21CV-0199C
CASE NO.

(Clerk will assign the number)

v.

LASALLE CORRECTIONS ROLLING PLAINS DETENTION CENTER
Defendant's Name and Address 118 CO. RD. #206 HASKELL, TX. 79521

WARDEN JUDITH BENNET • LASALLE CORRECTIONS ROLLING PLAINS
Defendant's Name and Address DETENTION CENTER • 118 CO. RD. #206 HASKELL, TX 79521

MEDICAL SUPERVISOR MS. SHAGINAW • LASALLE CORRECTIONS ROLLING PLAINS
Defendant's Name and Address DETENTION CENTER • 118 CO. RD. #206 HASKELL, TX 79521
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.
5. **The complaint can not exceed 20 pages which includes all attachments.**

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuits in state or federal court relating to your imprisonment? YES ☐ NO ☒
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Docket Number: _____

5. Name of judge to whom case was assigned: _____
6. Disposition: (Was the case dismissed, appealed, still pending?) _____
7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: ECTOR COUNTY DETENTION CENTER

III. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: RAEL WALI MCCALL #75238
P.O. Box 331 Odessa, TX 79762

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: MEDICAL SUPERVISOR MS. SHAGINAW/LASALLE CORRECTIONS
ROLLING PLAINS DETENTION CENTER/118 CO. RD. # 206 HASKELL, TX 79521
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Fraud, manipulation, cruel and unusual punishment, negligence
Defendant #2: WARDEN JUDITH BENNET/LASALLE CORRECTIONS ROLLING PLAINS
DETENTION CENTER/118 CO. RD. # 206 HASKELL, TX 79521
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Fraud, manipulation, cruel and unusual punishment, negligence
Defendant #3: CAPTAIN /LASALLE CORRECTIONS ROLLING PLAINS DETENTION
CENTER/118 CO. RD. # 206 HASKELL, TX 79521
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Fraud, manipulation, cruel and unusual punishment, negligence
Defendant #4: MAJOR /LASALLE CORRECTIONS ROLLING PLAINS DETENTION
CENTER/118 CO. RD. # 206 HASKELL, TX 79521
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Fraud, manipulation, cruel and unusual punishment, negligence
Defendant #5: OFFICER DE LAROSA/LASALLE CORRECTIONS ROLLING PLAINS DETENTION
CENTER/118 CO. RD. # 206 HASKELL, TX 79521
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Negligence

IV. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

① Negligence: On or about late January of 2021, early morning in Pod A21, I was blindsided by Inmate Wooten which resulted in a scuffle. We were detained and sent to SHU. While Officer Delarosa was packing my property, when she placed my glasses (expensive Cartier's well known by staff and U.S. Marshals alike) on the table she turned her back and Inmate Martinez (not known until the video was reviewed) stole them off the table. When my property was brought I immediately noticed my glasses were missing. Staff was sent back to locate my glasses in Pod A21, until 6pm when shift changed, I was handcuffed and escorted to the Captain's office. He informed me that my glasses was not located and he knew I was scheduled for trial the following month and was in need of my eyesight to pick a jury, and would look further into the matter the next day because it was past his quitting time.

RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Monetary Relief in amount of \$6.5 million

V. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

"Rafi" • "Fi" • "Fee"

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

#75238 / #83073-080

VI. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☐ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☐ NO

② Fraud and Manipulation: Next morning I was taken again taken to the Captain's office, he stated, after he left he had the night shift go in Pod A21 and shackdown in an attempt to located my glasses but came up empty. So, he reviewed the video and noticed Inmate Martinez take the glasses off the table and just before the night shift went to shackdown Pod A21. Inmate Martinez was observed destroying the glasses by dropping them down the mop drain in Pod A21. The Captain further stated he talked to the Warden and Major and due to the negligence of Officer Delarosa they agreed to compensate me for my loss. I was escorted then by Lt. Blackburn or Sgt. Rumlarr to medical to the Medical Supervisor Ms. Shaginaw. She asked if I had the receipts for my glasses. I told her we can call and see if I can located them. She then dialed out on the facility land line to Jenetta Comacho a female friend. The receipt was not found. Ms. Shaginaw then said it did not matter so she proceeded to go on her personal cell phone and access the Cartier Website and told me that she would would find me some replacement glasses and that the facility would dock Inmate Martinez's Account for the cost, all in time before my trial. I found out later Inmate Martinez was sent to the SHU and his account was being docked for \$800. plus. I never heard or seen Ms. Shaginaw again even after numerous attempts to findout what was going on with my replacement glasses, before and after trial. The facility ~~to~~ went through the motions, yet, blew me off until and after I was transfered 2 weeks after trial.

③ Cruel and Unusual Punishment: Needless to say I was forced to trial without my glasses facing up to 30 yrs. with an court appointed attorney that I tried firing who asked me numerous times through Jury selection my opinion and what I thought of Potential jurors and I could only tell him I was not able to see them to read them during Voir Dire and had to rely on him. Before I was transfered I asked the facility for neccessary paperwork and filled it out and gave copies to the facility, U.S. Marshal Kelley, and mailed a copy home. U.S. Marshal ^{Kelley} was the agent in charged. He also noticed ~~at~~ when I was brought to the Midland/Odessa Federal Courthouse ~~before that~~ weeks before trial to see whether I will plea or proceed to trial that my glasses was gone

He asked me what happened and I explained. U.S. Marshal Kelley was very bothered by my story and immediately called the facility, but was not able to get ahold of the Captain and was waiting for a callback, which he did not receive by the time I was finished at the courthouse.

- C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES ☒ NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____
2. Case Number: _____
3. Approximate date warnings were imposed: _____

Executed on: _____
DATE

(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 19 day of October, 20 21.
(Day) (month) (year)

Rafi Wali McCall
(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

Rafi Wal, McCall #75238
P.O. Box 331
Odessa, Tx. 79761



TX 79711
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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

Clerk of the United States Court
341 Pine St. #2008
Abilene, Tx 79601

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